

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11041 of 2004

Between:

- 1 Adduri Ravinder Rao, S/o. Someshwar Rao,
R/o. Visnoor, Palakurthy, Warangal.
- 2 Adduri Lakshmi, W/o. Mohan Rao,
R/o. H.No. 2-9-602, NGOs Colony, Hanmakonda, Warangal.
- 3 Bajjuri Venugopal, S/o. Narayana,
R/o. 2-136/2, Palakurthy, Warangal.
- 4 Vennamaneni Ramesh Rao, S/o. Narayana Rao,
R/o. Visnoor, Palakurthy, Warangal.

..... PETITIONERS

AND

- 1 The Prohibition and Excise Superintendent, Warangal.
- 2 Rapaka Ashok, S/o. Somaiah,
R/o. 1-110, Palakurthy, Warangal.

... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, Order or Direction, declaring the action of the first respondent in seeking to grant IL-24 licence in favour of the 2nd Respondent herein the name and style of M/s. Maruthi Wines, Near P.S. Palakurthy, Warangal, without considering the legal notice dt. 3-3-2004 caused by petitioners, as illegal and arbitrary and to consequently direct the first Respondent not to grant/renew IL 24 Licence in favour of the 2nd respondent in the name and style of M/s. Maruthi Wines, until the legal notice dt. 3-3-2004 caused by petitioners is considered; Award costs.

For the Petitioner:MR.K.RAGHUVeer REDDY, Advocate.

For the Respondent No.1: GP FOR PROHIBITION & EXCISE

For the Respondent No.2: None appeared.

The Court made the Following :

-

-

-

ORDER:

1. This Writ Petition is filed by the petitioners seeking a Writ of Mandamus declaring the action of the first respondent in proposing to grant I.L.24 licence in favour of the second respondent without considering the legal notice dated 03.03.2004, as illegal and without jurisdiction.

2. According to the petitioners, originally a licence was granted in favour of the second respondent for carrying on retail business in Indian Liquor (I.L.24). Subsequently, the second respondent entered into a partnership firm to carry on the above said business with the petitioners under the name and style of M/s. Maruthi Wines, near P.S.Palakurthy, Warangal District. The said licence was renewed from year to year and is being under consideration for renewal. In view of certain disputes which have arisen among them, the petitioners issued a legal notice dated 03-03-2004 to the first respondent seeking to consider their objections before renewing the licence in the name of the second respondent.

3. The grievance of the petitioners is that the second respondent failed to account for the money received by the Partnership firm in the course of its business. Therefore, the petitioners filed O.P.932 of 2003 against the second respondent before the District Court, Warangal under Section 9 of Arbitration and Conciliation Act, 1996 and the said O.P. is pending. As long as the said O.P. is pending, the second respondent is not entitled for renewal of the licence.

4. In fact, the learned Counsel for the petitioners contended that the licensee is the Partnership Firm and not the second respondent. Therefore, the licence could not be renewed in favour of the second respondent without considering the objections raised by the petitioners, who are stated to be the partners of the firm, M/s Maruthi Wines.

5. Heard the learned Counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

6. A perusal of the copy of the licence in FORM.I.L.24 issued by the first respondent, it is evident that the said licence was issued on 10-04-2003 for the year 2003-04 in the name of Mr.Repaka Ashok who is the second respondent herein and the business is being carried on in the name of M/s.Maruthi Wines. The firm is not shown as the licensee. Therefore, the contention of the petitioners that the licence was granted in the name of the partnership firm is clearly devoid of merit.

7. When once the second respondent is the licensee, the objections raised by the petitioners as partners of M/s.Maruthi Wines need not be considered for renewal of the licence, which was standing in the name of second respondent.

8. Under those circumstances, the present writ petition is dismissed as devoid of merit. No costs.

01-07-2004

Jsu

To

1.The Prohibition and Excise Superintendent, Warangal

2.2CCs to The Government Pleader for Prohibition and Excise, High Court
Buildings, Hyd.,(OUT)

3.2CD copies